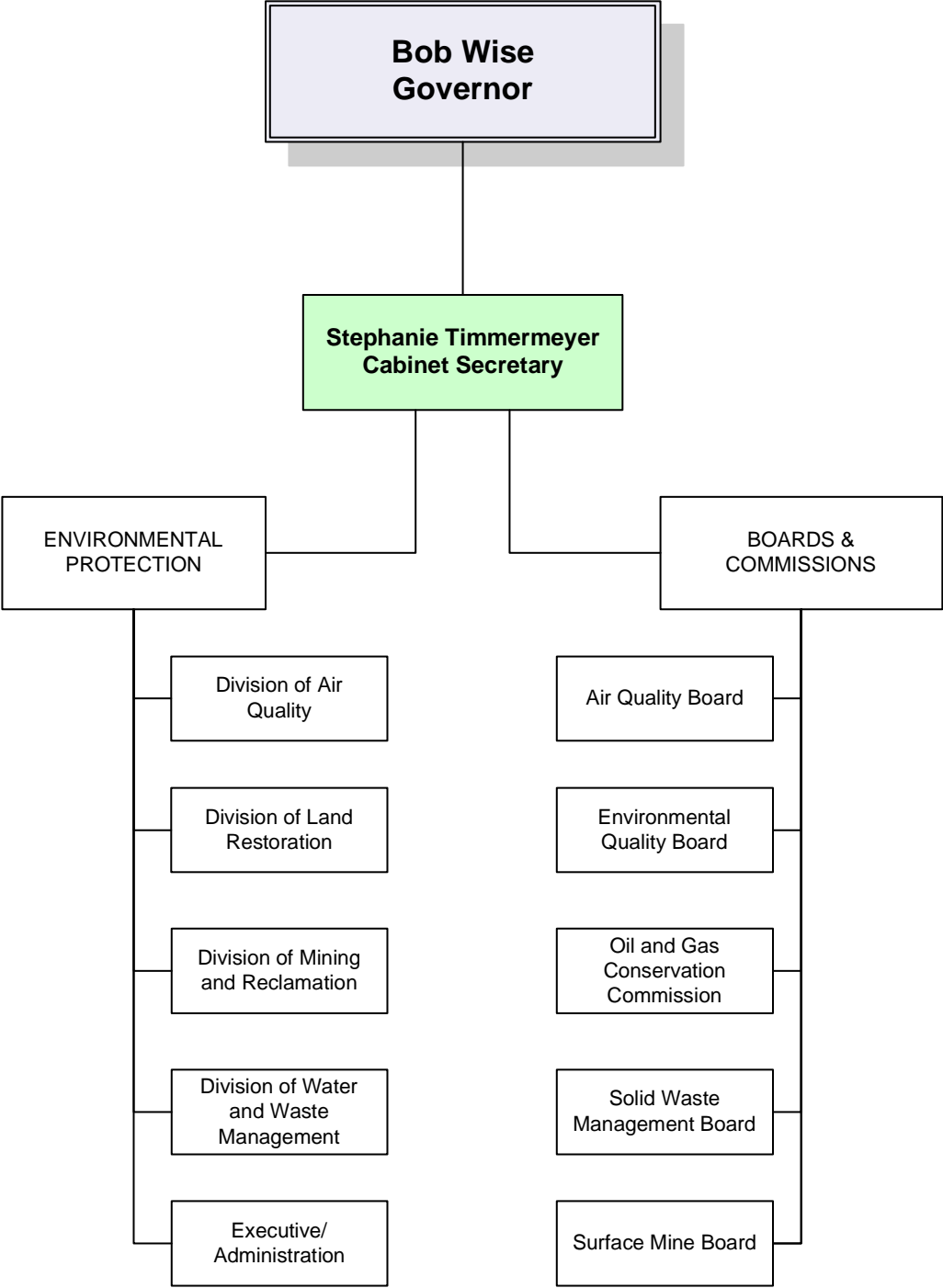


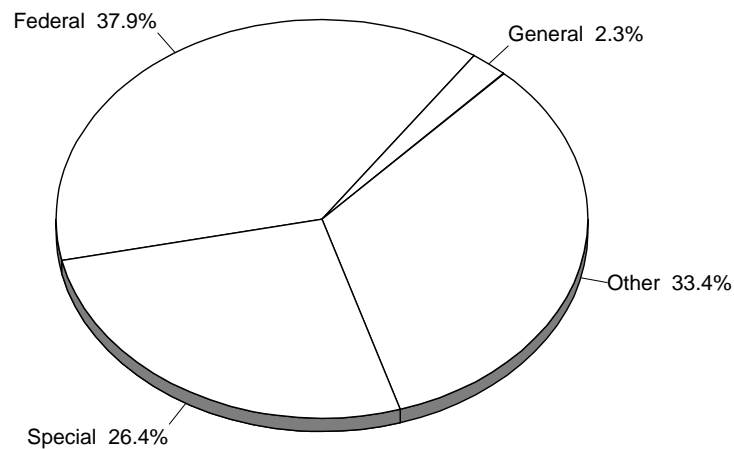
Department of Environmental Protection



Department of Environmental Protection
Revenues and Expenditures

Total Available Funds

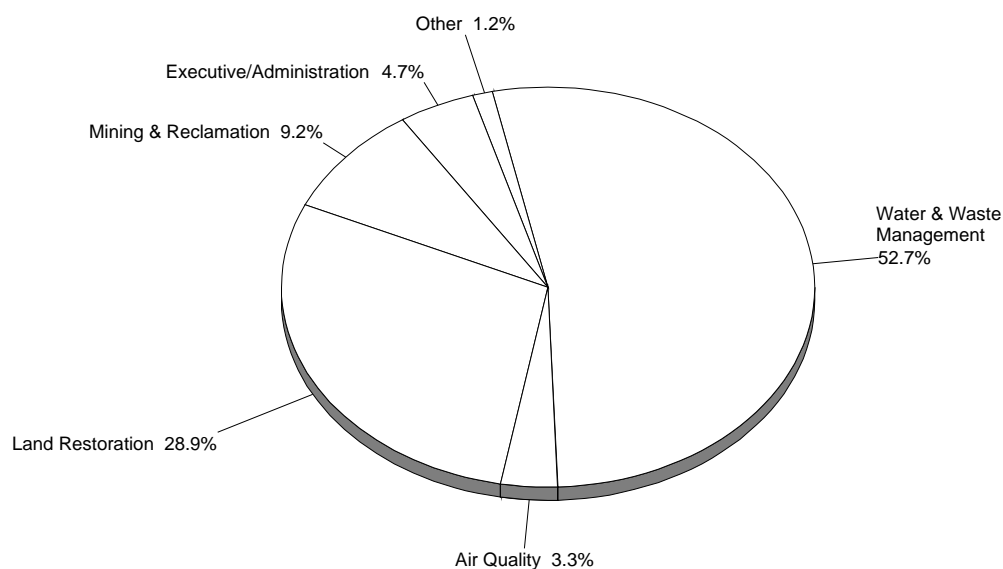
Fiscal Year 2005
\$342,873,604*
(Estimated)



*Beginning balance plus revenues

Recommended Expenditures by Program

Fiscal Year 2005
\$276,927,814



Department of Environmental Protection

Mission

Promoting a healthy environment.

Goals/Objectives

Coordinate and oversee any state government initiatives that affect affiliate members.

- Inform affiliates of programs, policies, and activities.
- Communicate concerns of affiliates to appropriate entities.
- Provide limited administrative support and/or oversight to affiliates.
- Assist as necessary in matters involving property, employment, or general administration.
- Improve the efficiency and effectiveness of existing permitting and inspection and enforcement programs.
- Promote and initiate innovative and alternate approaches to assuring environmental compliance, as a complement to existing programs.
- Develop a quality workforce dedicated to excellence.
- Reconfigure physical location to optimize effectiveness of staff.
- Develop effective information management and communication capabilities.
- Enhance the Department of Environmental Protection's (DEP) capacity to assess the need for environmental programs, to plan for their effective implementation, and to evaluate the success of such programs in achieving the agency's mission.
- Improve public awareness of environmental issues and involvement in agency decision-making processes.
- Ensure that DEP has the necessary administrative processes and financial capability to effectively carry out its mission.

Recommended Improvements

- ✓ Added \$100,000 Special Revenue spending authority for hazardous waste management fund.

Department of Environmental Protection

Expenditures

	TOTAL FTE POSITIONS 11/30/2003	FY 2003 ACTUALS	FY 2004 BUDGETED	FY 2005 REQUESTED	GOVERNOR'S RECOMMENDATION
EXPENDITURE BY PROGRAM					
<i>Division of Air Quality</i>					
Hazardous Waste-Air Quality Program	3.25	226,471	\$237,291	\$249,230	
Non Title V-(Base Air Management Program)	35.00	2,815,683	3,177,347	3,286,004	
Title V-Operating Permit Program (Major Facilities)	68.75	4,468,179	5,764,573	5,695,932	
<i>Division of Land Restoration</i>					
Abandoned Mine Lands & Reclamation	67.60	18,538,143	31,960,578	31,960,248	
Environmental Remediation	42.30	13,036,101	20,971,685	14,113,128	
Special Remediation	41.85	12,752,699	42,916,065	33,806,709	
<i>Division of Mining and Reclamation</i>					
Explosives and Blasting	15.00	784,052	1,200,423	1,200,712	
Mineral Extraction	247.55	17,597,170	29,051,646	24,116,874	
Small Operator Assistance Program	0.25	75,677	225,717	176,122	
<i>Division of Water & Waste Management</i>					
Clean Water State Revolving Fund	14.00	875,162	1,437,607	1,435,577	
Environmental Enforcement	50.00	3,225,081	4,516,770	4,050,110	
Safe Dams	6.00	429,678	514,014	509,283	
Waste Management	73.00	6,081,455	6,989,555	6,248,228	
Water Quality	117.70	70,714,152	140,470,812	133,078,023	
<i>Executive/Administration</i>					
Executive/Administration	152.00	8,370,427	9,895,639	10,125,902	
Interstate Commission of the Potomac River Basin	0.00	47,000	42,300	38,493	
Ohio River Valley Water Sanitation Commission	0.00	134,300	120,870	109,992	
Oil and Gas	25.00	2,905,615	3,076,333	2,882,785	
Less: Reappropriated		(412)	0	0	
TOTAL BY PROGRAM	959.25	163,076,633	302,569,225	273,083,352	273,704,874
EXPENDITURE BY FUND					
General Fund					
FTE Positions		129.73	122.95	108.09	108.09
Total Personal Services		5,181,822	5,283,153	4,588,392	4,588,392
Employee Benefits		1,588,258	1,691,983	1,502,042	1,513,520
Other Expenses		2,473,519	1,449,383	1,575,878	1,585,922
Less: Reappropriated		(412)	0	0	0
Subtotal: General Fund		9,243,187	8,424,519	7,666,312	7,687,834
Federal Fund					
FTE Positions		344.10	375.23	372.48	372.48
Total Personal Services		13,129,617	18,434,871	17,824,917	17,824,917
Employee Benefits		4,048,866	5,763,693	5,839,350	5,839,350
Other Expenses		53,447,469	73,816,906	74,351,203	74,351,203
Subtotal: Federal Fund		70,625,952	98,015,470	98,015,470	98,015,470

Department of Environmental Protection Expenditures

(Continued)

	TOTAL FTE POSITIONS 11/30/2003	FY 2003 ACTUALS	FY 2004 BUDGETED	FY 2005 REQUESTED	GOVERNOR'S RECOMMENDATION
Appropriated Special Fund					
FTE Positions		232.41	261.09	268.90	268.30
Total Personal Services		9,298,958	13,460,466	13,801,614	13,801,614
Employee Benefits		2,837,202	4,662,923	4,450,329	4,450,329
Other Expenses		10,319,111	30,139,619	26,349,761	26,949,761
Less: Reappropriated		0	0	0	0
Subtotal: Appropriated Special Fund		22,455,271	48,263,008	44,601,704	45,201,704
Nonappropriated Special Fund					
FTE Positions		135.11	199.98	210.38	210.38
Total Personal Services		6,424,147	10,573,031	10,596,205	10,596,205
Employee Benefits		1,980,166	3,221,865	3,390,632	3,390,632
Other Expenses		52,347,910	134,071,332	108,813,029	108,813,029
Subtotal: Nonappropriated Special Fund		60,752,223	147,866,228	122,799,866	122,799,866
TOTAL FTE POSITIONS BY FUND		841.35	959.25	959.85	959.25
TOTAL EXPENDITURES BY FUND		163,076,633	302,569,225	273,083,352	273,704,874

Department of Environmental Protection
Division of Air Quality

Mission

Administer an effective air quality management program for the protection of the public's health and welfare and protection of the environment.

Operations

Services for the three primary Division of Air Quality programs are provided through six office sections.

Air Monitoring

- Monitor ambient air and collect, analyze, and summarize air quality data from a comprehensive statewide network.
- Prepare monthly and annual reports of air quality data.
- Submit and quality assure air quality data to the national data collection system.
- Maintain air monitoring instruments.
- Conduct air monitoring for special studies.
- Operate a laboratory to analyze air samples, including ICPMS for particulate metals analysis.
- Operate a clean room/weigh room for PM 2.5 (fine particulate) filters.

Compliance and Enforcement

- Conduct and document inspections of regulated facilities.
- Investigate complaints of air pollution.
- Prepare enforcement activities, and negotiate enforcement and compliance agreements.
- Implement the federal Title IV acid rain requirements.
- Administer the national emission standard for hazardous air pollutants (asbestos program).
- Coordinate compliance training activities.
- Develop interpretive rules.

Hazardous and Solid Waste

- Develop and revise grant work plan, and coordinate Resource Conservation Recovery Act air program with the EPA and Waste Management.
- Develop and revise air quality rules and regulations for hazardous and solid waste program.
- Prepare quarterly and annual reports for hazardous waste program.
- Evaluate and process hazardous waste treatment facility permit applications.
- Prepare status reports, and conduct inspections of regulated hazardous waste facilities that emit air pollution.
- Assist in preparation of enforcement actions as necessary.

Northern Panhandle Regional Office

- Support the development of plans to achieve and maintain the national ambient air quality standards.
- Investigate complaints of air pollution.
- Conduct and document inspection of regulated facilities.
- Assist in preparation of enforcement actions and enforcement and compliance agreements.
- Support ambient air monitoring and data analyses activities for the four Northern Panhandle counties.
- Conduct special air quality studies to support air quality planning activities.

Permitting

- Process Title V operating permit applications.
- Process major and minor source preconstruction permit applications.

Planning

- Develop and revise plans to attain and maintain the national ambient air quality standards.
- Develop and revise the state implementation plan to comply with other Clean Air Act amendments provisions (e.g., regional haze rule).

Division of Air Quality

- Develop air quality rules and regulations.
- Oversee transportation and general Clean Air Act conformity requirements.
- Provide technical assistance to small businesses.
- Perform analyses to determine pollutant air quality impacts.
- Develop and maintain an emissions inventory database on which air quality management decisions and functions are based.
- Maintain emission inventories for point area and mobile sources, as well as special projects to include sources of ammonia and greenhouse gases.
- Maintain files for all regulated West Virginia facilities, and receive Freedom of Information Act requests.
- Interact with DEP's Information Technology Office to integrate the environmental resources information system enterprise database.

Division of Air Quality

Programs

Hazardous Waste—Air Quality Program

Mission

Regulate facilities that treat, store, and dispose of hazardous waste for the purpose of achieving and maintaining air quality to protect human health and the environment.

Goals/Objectives

- Coordinate air program activities with the EPA and the Division of Water and Waste Management.
- Evaluate and process of permit applications.
- Conduct compliance inspections of regulated air pollution-emitting hazardous waste facilities.
- Assist in preparation of enforcement actions as necessary.
- Encourage and promote waste minimization and pollution prevention.
- Provide technical assistance for new and existing combustion sources subject to the hazardous and solid waste air program.
- Monitor facility compliance stack tests at all hazardous waste combustion facilities, review and evaluate test results, and take necessary enforcement or remedial action if noncompliance is found.
- Evaluate risk assessments and air modeling analyses required of all hazardous waste facilities.
- Authorize and monitor required trial burns.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Permit applications evaluated	7	7	7	7	7	7
Inspections conducted	57	50	40	41	30	30
Performance test evaluations/approvals	3	4	4	3	3	3

Non Title V—(Base Air Management Program)

Mission

Administer a statewide air quality management program to control air pollution from nonmajor facilities and other sources of air pollution in order to protect the health and welfare of the public and the environment.

Goals/Objectives

- Improve air quality in areas of nonattainment, and maintain air quality in attainment areas.
- Collect, evaluate, and analyze air quality data.
- Complete transportation and general conformity reviews as mandated by the Clean Air Act.
- Encourage and promote pollution prevention.
- Develop and revise implementation plans to attain and maintain the state and national ambient air quality standards for the revised PM 2.5 (fine particulate) and eight-hour ozone standards.
- Provide compliance assistance for nonmajor emission sources.
- Conduct special air quality studies, and assist and participate in state and regional geographical initiatives.
- Maintain response rate of all air pollution-related complaints at a level of 90% or greater.

Performance Measures

- ✓ Conducted 70 inspections in FY 2003 at sites in which asbestos-containing materials are being removed.

Division of Air Quality Programs

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Response rate to air pollution complaints	97%	98%	90%	89%	90%	90%
Inspect nonmajor air polluting emitting facilities*	238	239	N/A	N/A	N/A	N/A
Partial compliance evaluations	N/A	N/A	100	270	100	250
Full compliance evaluations	N/A	N/A	150	397	150	350
Construction permits evaluated and processed	216	222	200	270	200	200
Air quality and meteorological monitoring stations	38	35	36	34	38	36
Samples collected from monitoring stations	131	131	140	140	142	142

* Reported as total compliance evaluations through FY 2002.

Title V—Operating Permit Program (Major Facilities)

Mission

Manage air quality impacts of major air pollution emitting facilities, and to otherwise implement the 1990 Clean Air Act amendments through issuance of operating permits that contain all federal and state air quality regulatory requirements applicable to all major and acid rain facilities subject to Title V.

Goals/Objectives

- Incorporate and detail all applicable air quality requirements (federal and state) in a single document for each Title V facility, and assure compliance with those requirements.
- Facilitate operational flexibility for Title V permitted facilities.
- Provide a clear program and schedule for compliance, monitoring, and reporting.
- Maintain 38 air quality and meteorological monitoring sites to collect and assure quality data.
- Encourage and promote pollution prevention.
- Provide compliance assistance for nonmajor emission sources subject to Title V.
- Assure compliance of Title V major stationary sources through review of compliance certification and performance reports and by yearly inspections of facilities with appropriate enforcement or remedial.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Evaluate permit applications/issue permits	106	103	65	54	49	44
Permitting workshops	4	4	4	4	4	4
Permitting assistance meetings	81	83	85	79	85	85

Department of Environmental Protection
Division of Land Restoration

Mission

Restore environment by cleaning up polluted sites and reclaiming former coal mining sites through employing a broad range of scientific and engineering skills.

Operations

Abandoned Mine Lands and Reclamation

- Administer federal grant and the Reclamation Information Management System.
- Conduct complaint investigations and address emergency problems.
- Determine site eligibility NEPA compliance.
- Obtain legal agreements for rights of entry.
- Administer consulting design contracts and an internal design unit.
- Administer construction contracts.
- Conduct water quality monitoring.

Office of Environmental Remediation

- Provide oversight of leaking underground storage tank (UST) site cleanup.
- Investigate and clean up sites without responsible parties.
- Provide alternate drinking water supplies if contaminated by leaking USTs.
- Clean up closed landfills.
- Clean up open dump sites.
- Provide oversight of federal Superfund activities and coordinate with EPA.
- Provide oversight of Voluntary Remediation Program.
- Administer Brownfields Cleanup Revolving Loan Program.
- Administer federal grant and financial information.

Office of Special Reclamation

- Maintain bond-forfeited permits file.
- Manage land and water quality databases and financial information.
- Report to and communicate with other state agencies, the Special Reclamation Advisory Council, and the U. S. Office of Surface Mining.
- Responsible for land reclamation and water treatment on bond-forfeited permits in 27 counties in northern West Virginia.
- Responsible for land reclamation and water treatment on bond-forfeited permits in 19 counties in southern West Virginia.

Programs

Abandoned Mine Lands and Reclamation* (AML&R)

Mission

Protect and enhance the public health, safety, and general welfare from adverse effects of coal mining practices through the reclamation and restoration of land and water resources.

Goals/Objectives

- Improve and expand cooperative efforts with other agencies and watershed associations.
- Plan, design, and construct reclamation projects.
- Increase internal design capabilities and output.
- Improve water quality discharged from AML&R reclaimed sites.
- Complete hydrologic unit plans enabling AML&R Water Treatment Trust Fund resources to be utilized for the operation and maintenance of treatment facilities.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Complaints received	227	234	234	279	247	247
Emergency projects completed	44	48	48	54	49	49
Regular projects completed	45	39	N/A	29	38	38

* Fee collection for the AML&R program is due to expire in September 2004. Congressional reauthorization of the fee collection is currently being debated. Failure to reauthorize will put the program to a phase out mode with considerable reductions in funding. Approval of reauthorization may change the distribution in allocation process that could increase or decrease the State's annual allocation.

Environmental Remediation

Mission

Conduct remediation of contaminated sites to standards established by the use of sound science in order to protect the present and future public health, safety, and welfare, and the environment; to encourage voluntary remediation as an effective means of addressing historical contamination; and to assure coordination and avoid unnecessary duplication of effort within DEP regarding all remediation functions.

Goals/Objectives

Brownfield Clean-up Revolving Loan Program

- Develop the administrative procedures to operate a revolving loan program.
- Issue loans.

Brownfield Targeted

- Identify and assess selected Brownfield sites in coordination with public entities.
- Provide the assessment information to the public development entities.

Landfill Closure Assistance

- Close three landfills each year.
- Provide postclosure assistance by monitoring and maintaining all landfills closed by the program.

Division of Land Restoration Programs

Leaking Underground Storage Tank

- Require responsible parties to clean up releases from regulated underground storage tanks.
- Provide oversight of cleanup conducted by tank owners and operators.
- Conduct site investigations, and abate immediate threats at sites where the responsible parties fail or refuse to take action to protect human health and the environment.
- Provide alternate water when water source has been contaminated by a release from any underground storage tank.

Pollution Prevention and Open Dump Cleanup (PPOD)

- Clean up 500 dumps per year.
- Conduct cleanup activities equally throughout the state.
- Reduce the cleanup costs per ton of existing cleanup activities.

Site Investigation

- Identify and assess hazardous sites, and perform removal actions.
- Maintain a comprehensive state site list and track progress.

Superfund Site Remediation

- Conduct oversight inspections, attend public meetings, and coordinate with EPA on Superfund issues.
- Maintain adequate record of site specific cost for cost recovery actions by EPA.

Voluntary Remediation

- Establish an administrative program to facilitate voluntary remediation activities and Brownfield revitalization.
- Establish and maintain science-based methodologies and procedures to guide the remediation activities.
- Provide financial investment incentives at Brownfield sites.
- Conduct testing of licensed remediation specialists.

Performance Measures

Since Landfill Closure Assistance program implementation in 1991, all closure-related activities have been completed on ten landfills. Post closure monitoring, maintenance, and leachate transport and disposal will continue as required for each site for thirty years.

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
UST temporary relocation to residences impacted by releases/alternate water supplies	4	10	10	12	10	12
UST site assessments conducted and remediation at state lead sites	6	5	6	8	6	6
USTs removed	9	10	12	12	12	12
Illegal dumps cleaned up	782	500	500	1,065	500	500
Tons of waste recycled	300	N/A	800	2,255	800	8,000
Tons of waste disposed	3,565	3,543	4,000	3,788	4,000	4,000
Voluntary remediation certificates of completion issued	3	12	10	4	12	15
Voluntary remediation applications received	25	25	50	16	50	50

Special Reclamation

Mission

Protect and enhance the public health, safety, and general welfare from adverse effects of coal mining practices through the reclamation and restoration of land and water resources.

Goals/Objectives

- Standardize operating procedures between field offices and headquarters.
- Develop internal data management capability with field office and headquarters personnel.
- Fully staff the program to meet new responsibilities and timetables.
- Implement plans to reclaim backlog of bond-forfeited permits.
- Implement plans to construct facilities and treat noncompliant water at all bond-forfeited sites on the acid mine drainage inventory.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Acres to reclaim	15,234	15,389	15,389	15,833	15,389	15,833
Acres reclaimed	8,654	9,292	9,292	9,470	9,292	9,470
Ratio of reclaimed acres	1.76	1.66	1.66	1.67	1.66	1.67
Permits with chemical treatment	27	27	50	27	75	27

Department of Environmental Protection

Division of Mining and Reclamation

Mission

Ensure prompt, effective, quality reclamation for all surface mining sites in West Virginia; oversee and regulate blasting on all surface coal mining operations; and to protect and enhance the public health, safety, and general welfare from adverse effects of coal mining practices through the restoration of land and water resources. In order to protect the environment and public welfare, the Division of Mining and Reclamation responds to the regulated community and all persons who are or may be adversely affected.

Operations

- Review and approve permitting applications.
- Inspect mine sites.
- Take enforcement actions when necessary.
- Compliance assistance—Small Operator Assistance Program.
- Regulate blasting on surface mining operation.
- Review and approve surface mining blast plans.
- Respond to blasting complaints.
- Establish qualifications, and provide training for individuals and firms performing preblast surveys.
- Conduct education, training, examination, certification, and discipline of blasters.
- Administer a claims and arbitration process for determining property damage caused by blasting, and ensure compensation as appropriate.
- Conduct research on blasting issues, and make recommendations regarding any appropriate rule or code changes.
- Conduct complaint investigations.
- Maintain bond-forfeited permits inventory.
- Receive and utilize environmental information from other state and federal agencies.

Division of Mining and Reclamation
Programs

Explosives and Blasting

Mission

Administer and enforce the surface mine blasting laws in a manner that protects the public and property from harmful effects of surface mine blasting.

Goals/Objectives

- Ensure compliance with blasting regulations.
- Expedite resolution of blasting complaints and blasting damage claims.
- Ensure all appropriate structure owners and residents receive high quality preblast surveys.
- Maintain a citizens services system to address questions, complaints, and inquiries about surface mining.
- Improve current blasting practices through comprehensive inspections performed by trained blasting specialists.
- Improve the detail level and quality of approved blasting plans through thorough reviews by specially trained personnel.
- Revise the blaster certification examination to incorporate new technology and improve the proficiency of certified blasters.
- Conduct research to evaluate the effectiveness of existing blasting regulatory requirements.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Blasting violations	44	67	75	50	80	85
Blasting complaint inspections	289	461	400	260	400	300
Preblast surveys and reviews	4,806	2,803	3,200	2,564	3,400	3,600
Preblast survey approvals	N/A	N/A	N/A	46	58	75
Examinations and certifications	24	54	75	151*	75	100
Renewal certifications	128	140	113	114	115	150
Permits reviewed/approved	N/A	N/A	N/A	130	140	150

* There were 53 retests included in the examination figure.

Mineral Extraction

Mission

Ensure prompt, effective, quality reclamation for all surface mining sites in West Virginia, and respond to the regulated community and all persons who are or may be adversely affected to protect the environment and public welfare.

Goals/Objectives

- Increase quality of on-the-ground performance.
- Actual reclamation meets or exceeds standards.
- Ensure that the postmining land use is achieved and sustained and water discharging from mine sites meets effluent limits.
- Increased compliance with rules and regulations.
- Increased satisfaction of persons affected by mining.
- Improve agency image to the public and to industry.
- Ensure property is protected, allowing the public to maintain their quality of living.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Permit decisions made	2,607	2,633	2,600	2,780	2,600	2,700
Inspections conducted	20,412	18,887	20,000	18,885	20,000	20,000
Violations	1,024	1,396	1,100	1,257	1,100	1,200
Complaints responded to	334	1,280	900	987	900	1,000

Small Operator Assistance Program

Mission

Small Operator Assistance Program (SOAP) provides engineering, scientific services, technical support, and laboratory services to small coal operators in the development of an environmental assessment of the proposed mining impact on the environment.

Goals/Objectives

- Obtain accurate environmental, scientific, and technical information for small coal operators in an effective and efficient manner.
- Incorporate the environmental assessment of the proposed mine into a SOAP report that the small coal operator may incorporate into an application for a mining permit from the DEP.
- Train the SOAP coal operators in the incorporating of the permit requirements.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Active SOAP projects	2	2	10	3	6	6

Department of Environmental Protection
**Division of Water and
Waste Management**

Mission

Preserve and enhance West Virginia's watersheds for the benefit and safety of all.

Operations

Clean Water State Revolving Fund

- Provide low interest loans through the state revolving loan program to municipalities and public service districts for construction of sewage systems.
- Review and approve construction plans and specifications for publically owned sewage systems.
- Provide professional engineering assistance to municipalities in the design, operation, and maintenance of sewage systems.
- Promote construction and upgrades of publically owned communities sewage systems.
- Provide other forms of financial assistance to help reduce and eliminate nonpoint pollution sources (NPS).
- Oversee the combined sewer overflow program.
- Participate in the West Virginia Infrastructure and Jobs Development Council monthly process as DEP's representative.

Environmental Enforcement

- Inspect permitted facilities for compliance with discharge limits and operations.
- Investigate complaints of water pollution from the general public.
- Encourage compliance with water quality laws through education, technical assistance, and enforcement actions.

Safe Dams

- Review and approve plans for construction of noncoal dams.
- Review and approve emergency warning and evacuation plans for noncoal dams.
- Respond to emergencies.
- Inspect and ensure integrity of noncoal dams.
- Conduct construction compliance inspections.

Water Quality

- Review and approve permit applications to treat and discharge wastewaters into the state's waters.
- Issue permits, and oversee compliance with discharge limits.
- Provide technical assistance to dischargers to ensure adequate design and operation of wastewater facilities.
- Promote compliance with permits through administrative enforcement.
- Oversee the sludge management program.
- Develop and issue waste load allocations to dischargers to ensure water quality standards are protected.
- Operate laboratory certification program.
- Assess watersheds for water chemistry and biological impacts, and provide reports on results.
- Monitor states' groundwater quality through ambient network.
- Oversee groundwater protection and compliance activities.
- Coordinate the state's watershed management framework process.
- Implement the state antidegradation implementation policy.
- Develop total maximum daily loads for impaired streams.

Waste Management

- Perform site inspections, compliance assistance, and enforcement to ensure that hazardous waste generators, hazardous waste treatment and storage and disposal facilities, and underground storage tank owners and operators comply with regulatory requirements.
- Respond to hazardous waste and substance emergencies.

Division of Water and Waste Management

- Manage technical and financial assurance requirements on the generation, collection, treatment, storage, and disposal of hazardous waste.
- Regulate the installation, design, monitoring, modification, permitting, financial assurance, closure, and post-closure requirements for any solid waste facility that processes, recycles, composts, transfers, or disposes of solid waste.
- Conduct appropriate public hearings.
- Certify underground storage tank workers.
- Offer technical assistance and waste minimization guidance to generators of hazardous waste.

Division of Water and Waste Management

Programs

Clean Water State Revolving Fund

Mission

Provide technical and financial assistance to local governmental authorities during the planning, design, construction, and operation phases of wastewater treatment and other pollution control projects in order to improve and maintain water quality and to improve health conditions.

Goals/Objectives

Help communities achieve and maintain compliance with state and federal water quality laws in addition to improving health conditions to help meet an estimated \$2 billion need in West Virginia for adequate publically owned wastewater treatment works.

- Commit available state revolving fund money to cost-effective, environmentally sound projects as expeditiously as possible during each fiscal year.
- Participate in the West Virginia Infrastructure and Jobs Development Council process on a monthly basis to coordinate the use of all available state and federal funding sources.
- Perform technical reviews on all publically owned treatment works' proposed projects regardless of funding sources that require national pollution discharge elimination system permits or modifications.
- Provide compliance assistance and pollution prevention help to existing publically owned treatment works to correct permit compliance problems to maintain an effective operation.
- Validate with all stakeholders the need for new or revised legislation.
- Manage program to maximize benefits to Division of Water and Waste Management's mission.

Expand accessibility by creating new financial assistance programs within the Clean Water State Revolving Fund to address nonpoint source pollution control problems.

- Consider establishing other programs within the Clean Water State Revolving Fund to correct and improve water quality using the "Clean Water Funding Framework" document as a guide.
- Participate in other Division of Water and Waste Management's program areas to address how the Clean Water State Revolving Fund might be able to provide funding opportunities during the implementation of appropriate water quality management activities.

Assure the Clean Water State Revolving Fund program operates in perpetuity at its maximum level to provide future financial assistance to local entities.

- Conduct financial capability reviews on all potential loan recipients to assure credit worthiness and fiscal responsibility.
- Maximize investment opportunities.
- Monitor repayment activity of loan recipients, and take aggressive action for collection of delinquent payments from loan recipients.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Number of loan commitments exclude NPS	13	11	15	12	12	10
Loans to communities (in millions)	\$12.7	\$18.0	\$85.0	\$45.4	\$20.0	\$28.0
Number of NPS loan commitments	N/A	N/A	N/A	21	28	23
Loan to communities	N/A	N/A	N/A	\$325,770	\$550,000	\$425,000
Loan payments (in millions)	\$65.3	\$27.0	\$50.0	\$32.5	\$40.0	\$49.0
Projects under construction	20	22	16	20	25	29

Environmental Enforcement

Mission

Promote compliance with the Solid Waste Management Act, the Water Pollution Control Act, and the Groundwater Protection Act by providing assistance and/or enforcing conditions required of municipalities, solid waste facilities, manufacturing industries, and the general public in order to advance the lawful management of solid waste and wastewater.

Goals/Objectives

- Perform routine inspections, compliance sampling inspections, and groundwater sampling inspections on facilities permitted by the Division of Water and Waste Management.
- Provide compliance assistance to the regulated community by developing and conducting training classes, publishing how-to manuals, and conducting preclosure inspections.
- Work with the private sector by investigating citizens' complaints, assisting in school programs, and providing teaching staff for various conservation-oriented activities.
- Use criminal, civil, and/or administrative enforcement when all other attempts to gain compliance have been exhausted.
- Implement special projects that complement the routine activities such as monitoring discharges from the receiving water, conducting inspection/audits at facilities potentially eligible for voluntary remediation, and delineating boundaries of land disturbance activities using GIS technologies.
- Effectively track required facility actions to ensure environmental compliance.
- Conduct the sludge management requirements and the concentrated animal feeding operation programs.
- Reduce the discharge of untreated or improperly treated wastewater into West Virginia streams.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Compliance assistance provided to facility operators	1,537	2,027	1,400	1,473	1,400	1,400
Sludge management program land application sites inspected	62	68	100	79	100	100
Community outreach programs and open dump cleanup assistance	309	408	250	202	250	250

Safe Dams

Mission

Evaluate engineering designs, and inspect private and publically-owned noncoal dams to ensure compliance with safety standards in order to protect the lives and property of persons downstream.

Goals/Objectives

- Perform engineering review of design plans for construction, modification, operation, repair, breach, abandonment, or removal of dams.
- Issue certificate of approval.
- Conduct on-site inspection of existing dams for safety concerns or violations.
- Conduct field evaluation of dams under construction for compliance with approved plans and specification.
- Implement monitoring and emergency action plans.

- Maintain personnel on 24-hour call for emergency response to safety incidents.
- Promote/compel owner compliance with statute requirements.
- Promote public awareness of dams, hazards posed by dams, and measures taken to protect life and property.

Performance Measures

<u>Fiscal Year</u>	<u>Actual 2001</u>	<u>Actual 2002</u>	<u>Estimated 2003</u>	<u>Actual 2003</u>	<u>Estimated 2004</u>	<u>Estimated 2005</u>
Inspections of existing dams	55	75	50	80	50	70
Inspections of dams under construction	73	66	70	64	70	65
Responses to emergencies	6	12	5	7	6	6
Potentially deficient/high hazard dams removed/brought into compliance	2	3	2	1	2	2

Waste Management

Mission

Perform site inspections and compliance assistance to ensure that solid waste facilities, hazardous waste generators, hazardous waste treatment and storage and disposal facilities, and underground storage tank owners and operators comply with all regulatory requirements during the construction, operation, and closure of said facilities, and to protect public health and the environment by responding to hazardous waste emergency incidents.

Goals/Objectives

Administrative Enforcement

- Negotiate a signed agreement (consent order) within six months of the date of referral for 80% of cases received during any calendar year.
- Monitor long-term remediation activities resulting from consent orders.
- Coordinate with the EPA regarding enforcement activities.

Field Operations

- Investigate all citizen complaints in order to protect human health and the environment.
- Partner with all local and other state and federal agencies in the common goal of protecting the citizens of West Virginia.
- Provide inspection services at hazardous waste and underground storage tank (UST) facilities.
- Protect human health and the environment by swift, competent response to hazardous waste/substance emergencies.
- Mitigate hazardous waste/substance emergencies.

Hazardous Waste Permitting

Issuance of operating and construction permits to manage hazardous wastes.

- Review permit applications.
- Identify and resolve deficient information.
- Issue draft permits and public notices.
- Conduct appropriate public hearings.
- Issue denial of permits.
- Issue modifications to the permits.
- Review corrective measure plans for remediation of containment media.

Division of Water and Waste Management Programs

Solid Waste Permitting

- Process solid waste facility permit applications.
- Ensure that statutory requirements for permitting are being met.
- Provide quality review of permit applications (geological/hydrological and facility design/engineering).
- Ensure that solid waste facilities are properly constructed, operated, closed, and monitored.
- Conduct an effective quality assurance/quality control program.
- Review process for minor permit modifications, and update as required.
- Continue to update the electronic database system for groundwater and leachate monitoring.
- Require compliance with financial assurance in compliance with all solid waste rules issued pursuant to W.Va. Code §22-15.

Special Projects

- Respond to all generator assistance calls promptly and in writing, if needed.
- Conduct an achievable number of site visits per year to reduce persistent bioaccumulative and toxic chemicals.
- Provide EPA with necessary documents to secure annual program authorization, as needed.
- Update state hazardous waste rules annually to attempt to mirror EPA changes to 40 CFR.
- Participate in implementation meetings with government and industry.
- Ensure implementation of Quality Assurance Project Plan.

Underground Storage Tank

- Maintain accurate data of USTs.
- Collect fees to support the state UST program.
- Certify UST workers.

Underground Storage Tank Insurance Fund

Effective October 1, 2000, the West Virginia Underground Storage Tank Insurance Fund ceased offering coverage. The fund has now been frozen due to a court action regarding questions about limits of monetary liability and availability of funds.

- Process claims within ninety days.
- Monitor fund for compliance to actuarially determined reserve requirement.
- Seek solution to funding problems through the judiciary and Legislature.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Hazardous waste orders issued	17	12	13	11	13	13
Compliance inspections (hazardous waste and UST facilities)	378	450	450	1,005	450	450
Removal/disposal of hazardous waste from illegal/accidental disposals	155	180	200	147	200	150
Hazardous waste permitting corrective action reports reviewed	4	4	5	5	3	5
Acres of solid waste facilities constructed or expanded	32	35	27	39	48	40
UST invoices issued for registration and capitalization	3,958	3,511	3,480	2,538	3,425	2,500

Water Quality

Mission

Manage, maintain, and improve the state's water quality by establishing guidelines and providing assistance for the manufacturing industry, wastewater treatment plants, landowners, and the general public in order to maintain reasonable standards of purity and quality.

Goals/Objectives

Provide current, accurate water quality information on the status of the state's surface and groundwaters.

- Begin fourth year of the second five year assessment cycle, revisiting watersheds assessed in 1999, to continue refinement of water quality and habitat information available to the agency and the public.
- Continue water quality data collection focus on needs of the total maximum daily load process.
- Implement state-directed total maximum daily load program.
- Continue improvements in issuance of water pollution control permits by utilizing electronic communication systems in place and under development.
- Maintain synchronization of permit issuance/reissuance with water quality data generated by the watershed assessment program.
- Continue integration of programs addressing polluted runoff into the priority setting and scheduling processes of both the West Virginia Watershed Management Framework and total maximum daily load development effort.
- Maintain laboratory certification program for laboratories performing analytical testing.
- Remediate contaminated groundwater sites.
- Review groundwater practices at commercial/industrial sites.
- Issue national pollution discharge elimination system permits to industrial and municipal facilities.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Streams assessed	904	648	650	449	449	450
Groundwater protection plans approved	20	66	60	60	60	60
Groundwater protection plan inspections	44	17	60	60	60	60
Permits for major facilities	14	22	N/A	22	15	15
Permits for minor facilities	109	67	N/A	93	87	113
Activities covered by general permits	816	826	N/A	837	2,500	800
Wasteload allocations issued	524	846	N/A	852	1,500	900
Construction stormwater permits	237	278	N/A	352	1,000	1,000

Department of Environmental Protection

Executive/Administration

Mission

Provide innovative and timely managerial, technological, fiscal, and accounting services and expertise to all DEP offices and customers in an environment that creates and promotes mutual understanding and trust in order to establish appropriate accountabilities to ensure the efficient and effective execution of DEP's responsibilities.

Operations

- Provide technical assistance to program offices.
- Adhere to statutory and policy directives regarding financial, personnel, and asset management.
- Develop and oversee various internal policies and procedures.
- Provide legal representation on environmental issues.
- Operate as official public information source.
- Develop and promote informational programs for staff and the general public.
- Provide assistance and advocacy to various persons and groups on environmental issues.
- Develop and provide computer, network, and application services for offices.
- Review and conduct oil and gas well work permitting, inspections, and operator transfers.
- Approve solid waste and water pollution control permits for the oil and gas industry.
- Monitor oil and gas underground injection control program.
- Mediate oil and gas surface and mineral owner disputes.
- Evaluate and plug abandoned wells and cleanup sites as funding permits.
- Collect, process, and maintain oil and gas GPS data.

Programs

Interstate Commission on the Potomac River Basin

Mission

Provide the state with active participation in development, planning, and protection of the water resources of the Potomac River in conjunction with other states that share the river's drainage.

Goals/Objectives

Ensure adequate West Virginia representation on the Interstate Commission on the Potomac River Basin.

- Communicate regularly with state members of the commission.
- Attend commission meetings.
- Provide input and guidance to commission members on issues relating to West Virginia water quality programs.
- Initiate and participate in research projects related to West Virginia concerns.

Coordinate with other states and Chesapeake Bay program the water management activities in West Virginia portion of Potomac River drainage.

- Communicate with other state water quality agencies to ensure that enforcement, permitting, and other water quality management issues are coordinated.
- Distribute and promote educational materials prepared by the Interstate Commission on the Potomac River Basin.
- Provide information pertinent to West Virginia in development of public education materials.

Performance Measures

- ✓ Increased cooperation between West Virginia water quality management agencies and other states sharing the Potomac River resource.
- ✓ Enhanced public perception of the value of the Potomac River as a water resource to be protected, not only for West Virginia, but the eastern seaboard.
- ✓ Increased West Virginia involvement in the water quality protection activities underway in the Chesapeake Bay program.

Ohio River Valley Water Sanitation Commission

Mission

Provide the state with active participation in development, planning, and protection of the water resources of the Ohio River in conjunction with other states that share the river's drainage.

Goals/Objectives

Ensure adequate West Virginia representation on the Ohio River Sanitation Commission.

- Attend and participate as state member of commission.
- Provide input and guidance to commission members on issues relating to West Virginia water quality programs.
- Participate on technical committees developing standards related to water quality issues.
- Communicate with water quality agencies in other states to ensure that enforcement, permitting, and other water quality management issues are coordinated.
- Distribute and promote educational materials prepared by the Ohio River Valley Water Sanitation Commission.
- Provide information pertinent to West Virginia by developing public education materials.

Performance Measures

- ✓ Increased cooperation between West Virginia water quality management agencies and other states sharing the Ohio River resource.
- ✓ Improved protection of water quality of the Ohio due to coordinated efforts with states sharing the resource.

Oil and Gas

Mission

Protect the public health, environment, and other natural resources through the regulation of oil and gas resource development and protection and restoration of abandoned oil and gas sites, while understanding the need for the development of additional oil and gas resources.

Goals/Objectives

Abandoned Well Plugging

- Maintain an accurate census of abandoned wells.
- Classify abandoned wells as they are inspected.
- Plug abandoned wells to the level of funding available.
- Enforce bonding and well registration requirements.
- Process GPS data, and maintain the GPS database for accurate well location information.
- Pursue additional sources of funding for abandoned well plugging and cleanup (e.g., Oil Pollution Act of 1990).

Oil and Gas Regulatory and Technical Support

- Issue all well work permits within five days of due date.
- Inspect oil and gas sites.
- Improve organization Web site to include current relational database and current geographic information.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Abandoned well inspections	350	300	300	510	300	300
Abandoned wells plugged	18	26	20	55	20	20
Oil and gas inspections made	9,088	9,200	6,000	5,353	6,000	5,600
Oil and gas violations issued	350	450	200	246	200	250
New oil and gas wells drilled	1,320	1,400	900	935	900	989
Old oil and gas wells plugged	381	400	400	300	500	450

Department of Environmental Protection
Surface Mine Board

Mission

Provide fair, efficient, and equitable treatment of appeals of environmental enforcement and permit actions as set forth on W.Va. Code §22-B-4.

Operations

- The Surface Mine Board conducts administrative hearings and appeals for any person appealing a decision of the director relating to mining operations.

Goals/Objectives

- Fair, efficient, and equitable resolution of appeals.

Performance Measures

<u>Fiscal Year</u>	<u>Actual</u> <u>2001</u>	<u>Actual</u> <u>2002</u>	<u>Estimated</u> <u>2003</u>	<u>Actual</u> <u>2003</u>	<u>Estimated</u> <u>2004</u>	<u>Estimated</u> <u>2005</u>
Appeals filed	48	65	60	57	60	60
Final orders on appeals	40	57	60	51	60	58